

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

IN RE SITAGLIPTIN PHOSPHATE	:	
(‘708 & ‘921) PATENT LITIGATION	:	MDL No. 19-2902-RGA
	:	
	:	C.A. Nos. 19-312-RGA
	:	19-313-RGA
	:	19-314-RGA
	:	19-319-RGA
	:	20-749-RGA
	:	20-815-RGA
	:	20-847-RGA
	:	20-949-RGA
	:	20-1099-RGA
	:	20-1496-RGA

ORDER AFTER PRETRIAL CONFERENCE

Now, this 10th day of September, 2021, after a pretrial conference, and upon consideration of the proposed pretrial order (D.I. 569) and the discussion at the pretrial conference, IT IS HEREBY ORDERED that:

1. The Proposed Pretrial Order (D.I. 569) is **ADOPTED** as modified by any discussion at the pretrial conference.
2. A bench trial will begin on October 4, 2021, at 8:30 a.m. Each side should be prepared to present its case until 5:00 p.m. of each trial day, although the end of the trial day may, in the discretion of the Court, be earlier than 5:00 p.m.
3. The trial is timed. Each side is allowed 10 ½ hours for its opening statement and its direct and cross-examination of witnesses.¹ Time during the trial day that does not neatly fit into one of those categories will be attributed to one side or the other as the Court thinks most

¹ The Court encouraged the parties to agree on less time if that is reasonable.

appropriate. Closing argument will be held at a time to be determined on October 7 or 8, 2021. The amount of time allowed for closing argument will not exceed 45 minutes per side.

4. Trial counsel are to be present and ready to proceed at 8:15 a.m. each and every day of trial. **COUNSEL SHOULD UNDERSTAND THAT THERE MAY BE LONG LINES (PARTICULARLY WHEN A JURY IS BEING SELECTED) TO ENTER THE COURTHOUSE AND SHOULD PLAN ACCORDINGLY.** There will be up to an hour for lunch and a fifteen-minute break in both the morning and the afternoon.

5. The parties expect to submit a protocol relating to the public health concerns when a large group of people gather. The parties are working together to make Dr. Buckton's testimony live from the U.K. on the assumption that travel restrictions will make it extremely difficult for him to appear in person. The trial is limited to validity of the '708 patent. The parties expressed a desire for a prompt ruling in view of scheduled infringement trials. The Court suggested that pretrial submissions shortly before trial might make that possible. The details were left to the parties. The parties were requested to make pretrial submissions on the effect of the IPR on double-patenting obviousness.

6. The parties had no motions in limine.

7. Any trial logistics should be coordinated through the Courtroom Deputy.

/s/ Richard G. Andrews

United States District Judge